

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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MICHAEL PEREZ ORTEGA et al.,

Plaintiffs,

v.

CIVIL NO. 98-2379 (RLA)

AUTORIDAD DE CARRETERAS et al.,

Defendants.

MINUTES AND ORDER OF INITIAL SCHEDULING CONFERENCE
HELD ON APRIL 26, 2000, SETTING DISCOVERY DEADLINES AND
ESTABLISHING TRIAL AND PRETRIAL SCHEDULE

The parties appeared before the undersigned in chambers for an Initial Scheduling Conference on April 26, 2000, from 10:30 a.m. to 11:20 a.m. LUIS M. ORTEGA GARCIA, ESQ., represented plaintiffs. Codefendants JAVIER DOMENECH and the conjugal partnership established with his wife were represented by CARLOS A. MERCADO RIVERA, ESQ.

The Court heard the parties' versions of who allegedly owns the animal (cow/bull) that caused the accident giving rise to this litigation. Defendants allege that they are not the owners of the animal because all of their cattle are branded and confined within their property by properly constructed fences. Plaintiffs allege that defendants constitute the only cattle herder in the area, that the accident occurred in a segment of the highway that is immediately adjacent to the defendant's pasture land, that the cattle was of a breed that is owned by defendant and that defendant admitted, to

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1 plaintiff's private investigator, that the some of the fences in his
2 property needed repairs.

UNKNOWN DEFENDANTS

3
4 The Court inquired of counsel as to the status of the
5 unidentified defendants. Counsel for defendants acknowledged that
6 COOPERATIVA DE SEGUROS MULTIPLES DE PUERTO RICO is DOMENECH's
7 insurer.
8

9 Therefore, the Court having dismissed codefendants AUTORIDAD DE
10 CARRETERAS (docket No. 37) and the COMMONWEALTH OF PUERTO RICO
11 (docket No. 23), and plaintiffs having further identified JOHN DOE
12 and JANE DOE and the CONJUGAL PARTNERSHIP as defendants JAVIER
13 DOMENECH, his wife and their conjugal partnership (docket No. 31) it
14 is
15

16 HEREBY ORDERED that unknown defendants INSURANCE COMPANY Y, BOB
17 DOE and INSURANCE COMPANY W are hereby DISMISSED. Judgment to issue.
18

DISCOVERY DEADLINES

19
20 After a brief discussion of plaintiff's damages, the Court
21 engaged counsel in a discussion of pending and proposed discovery.
22

23 Accordingly, it is hereby ORDERED that the parties shall abide
24 by the following discovery timetable:

25 **5/15/00** Deadline to propound written discovery
26

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1 5/19/00 Deadline for parties to answer interrogatories and
2 respond to requests for production of documents
3 6/15/00 Deadline for defendants to identify expert
4 witness(es)
5
6 6/30/00 Deadline for depositions of all fact witnesses
7 (except plaintiff MICHAEL ORTEGA)
8 8/31/00 Deadline for depositions of plaintiffs' expert
9 witnesses
10
11 9/30/00 Deadline for defendants' expert report(s)
12 10/30/00 Deadline for depositions of defendants' expert
13 witness(es)
14
15 11/15/00 Deadline for filing dispositive motions in accordance
16 with undersigned's Standing Order

17 **PRETRIAL AND TRIAL SETTINGS**

18 A JURY TRIAL in these proceedings shall commence on **December**
19 **20, 2000, at 9:30 a.m.**

20
21 A PRETRIAL/SETTLEMENT CONFERENCE is hereby scheduled for
22 **December 12, 2000, at 2:30 p.m.** Counsel for the parties shall
23 appear prepared to discuss settlement negotiations in earnest with
24 the necessary authority from their respective clients.
25
26 :

PRETRIAL ORDER

A PROPOSED JOINT PRETRIAL ORDER shall be filed **on or before December 4, 2000.**¹ Once approved by the Court, the Proposed Joint Pretrial Order may be modified only upon a showing of good cause.

The PROPOSED JOINT PRETRIAL ORDER shall set forth the following:

I. Nature of the Case

A statement of the nature of the case agreed upon by all parties. In the event that the parties cannot agree upon a single description, separate versions shall be submitted.

II. Theories of the Parties

Each party shall present concisely its pertinent legal theories including applicable citations to statutes and caselaw. Counsel are directed to fully disclose all trial issues since the Proposed Joint Pretrial Order will supersede the pleadings in establishing the issues to be heard and considered at trial.

III. Admitted Facts

The parties shall provide a comprehensive listing of all admitted or stipulated facts.

¹ A courtesy copy shall be delivered directly to the chambers of the undersigned.

IV. Contested Facts

The parties shall provide a listing of contested facts.

V. List of Exhibits

This section shall contain a listing of all exhibits which have been pre-marked/numbered. Each exhibit shall be identified by a descriptive title as well as its identification number. The parties shall indicate which exhibits, if any, are not objected to by opposing counsel. An additional copy of all documents intended to be used at trial shall also be furnished to the undersigned in accordance with the STANDING ORDER FOR CIVIL TRIALS issued by the undersigned on **February 10, 1994.**

VI. Depositions

The party wishing to use deposition testimony at trial shall list the depositions. Additionally, designations and objections shall be submitted in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994.**

VII. Witnesses

Each party shall identify witnesses to be presented at trial and include a brief, one paragraph, offer of proof.

VIII. Expert Witnesses

When applicable, each party shall list its expert witness and include his/her curriculum vitae and an offer of proof. If an expert report has been produced, THE REPORT SHALL BE SUBMITTED IN CONJUNCTION WITH THE OFFER OF PROOF.

IX. Itemized Statement of Special Damages

In the event that the issue of special damages may arise, an itemized statement of special damages shall be incorporated into the Proposed Joint Pretrial Order. The party or parties not in agreement with the proposed statement shall include its/their opposition in this section.

X. Estimated Length of Trial

Parties shall indicate the estimated length of trial.

SANCTIONS

Counsel are hereby admonished that the failure to comply with any of the terms of this Order may result in the imposition of

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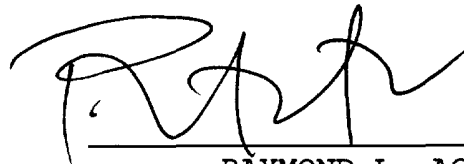
sanctions upon them personally and/or dismissal of witnesses, claims and/or defenses, as the Court deems appropriate.

STANDING ORDER

The parties shall also file a TRIAL BRIEF, PROPOSED VOIR DIRE, JURY INSTRUCTIONS, and VERDICT FORM² no later than **December 15, 2000**, in accordance with the undersigned's STANDING ORDER FOR CIVIL TRIALS issued on **February 10, 1994**. The parties shall make the necessary arrangements with the courtroom deputy clerk to have the evidence marked prior to trial.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 28th day of April, 2000.



RAYMOND L. ACOSTA
United States District Judge

² Courtesy copy shall be delivered directly to the chambers of the undersigned.

SUMMARY OF DEADLINES

1		
2		
3	5/15/00	Deadline to propound written discovery
4	5/19/00	Deadline for parties to answer interrogatories and
5		respond to requests for production of documents
6	6/15/00	Deadline for defendants to identify expert
7		witness(es)
8		
9	6/30/00	Deadline for depositions of all fact witnesses
10		(except plaintiff MICHAEL ORTEGA)
11	8/31/00	Deadline for depositions of plaintiffs' expert
12		witnesses
13		
14	Sept/00	Deposition and medical evaluation of plaintiff
15		MICHAEL ORTEGA
16	9/30/00	Deadline for defendants' expert witness report(s)
17		
18	10/30/00	Deadline for depositions of defendants' experts
19	11/15/00	Deadline for filing dispositive motions in accordance
20		with undersigned's Standing Order
21	12/4/00	Deadline for filing of Joint Pretrial Order
22		
23	12/12/00	PRETRIAL/SETTLEMENT CONFERENCE at 2:30 p.m.
24	*****	Marking of evidence with courtroom deputy clerk
25	12/15/00	Deadline for filing of Trial Briefs
26	12/20/00	JURY TRIAL at 9:30 a.m.